IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Crl.Rev.Pet.No. 653 of 2007(B)

AGAINST THE ORDER DATED 05/08/2006 IN CMP 7995/06 IN CC.2/1998 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOLLAM

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REVN. PETITIONER/ LEGAL REPRESENTATIVE OF THE COMPLAINANT:

SALOMA PHILIP, W/O. LATE P.A. PHILIP,
AGED 62 YEARS, RESIDING AT SALPHI COTTAGE,
CHERUMOODU CHERRY, NANTHIRICKAL, VELLIMON P.O.,
KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS/ STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.653 of 2007

Dated this the 21st day of February, 2007

ORDER

Revision petitioner is the wife of the deceased complainant. Rs.15,000/- is in deposit as remitted by the accused vide judgment in C.C.2/1998, finally adjudicated by the High Court with respect to Section 138 of the Negotiable Instruments Act case for withdrawal of the amount. Revision petitioner submitted an application along with the Will of the deceased. The court below dismissed the application holding that the petitioner has not produced the succession certificate.

2. The revision petitioner has sought for setting aside the above order and permitted to withdraw the amount. It is submitted that she had produced the Will of the deceased along with the application. In these circumstances, the court below is directed to release the amount to the petitioner after ascertaining her entitlement or in case revision petitioner submits the authorisation from the rest of the legal heirs.

The Criminal Revision Petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.899 of 2001

ORDER

15th February, 2007